

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING & REGULATION
BEFORE THE SOUTH CAROLINA STATE BOARD OF REGISTRATION FOR
PROFESSIONAL ENGINEERS AND SURVEYORS**

In the Matter of:

**JOHN DAVID BASS
License No. ELS.15388**

Respondent.

OIE Case # 2015-1

CONSENT AGREEMENT

By agreement of the State Board of Registration for Professional Engineers and Surveyors (hereinafter "the Board") and the above-named Respondent, the following disposition of this matter is entered pursuant to the provisions of the South Carolina Administrative Procedures Act, S.C. Code of Laws § 1-23-320(f) (1976, as amended)¹, in lieu of, *inter alia*, a hearing before a hearing officer or panel appointed by the Board. Respondent, admitting the allegations herein and agreeing to the sanctions as set forth below, agrees to waive the authorization, filing, and service of a Formal Complaint and formal hearing procedures.

FINDINGS OF FACT²

1. Respondent admits that the Board has personal jurisdiction over him and jurisdiction over the subject matter in this case.
2. Respondent admits that at all times relevant to this matter, Respondent was licensed as a Tier A Land Surveyor.
3. Respondent admits that on or about July 18, 2014, Respondent submitted an application for license renewal for the period July 1, 2014, to June 30, 2016; this form was dated June 16, 2014, by the Respondent. A copy of this application is attached and incorporated herein as Exhibit 1.
4. Respondent admits that on or about October 31, 2014, and again on or about November 19, 2014, a member of Board staff contacted him via email to verify his Continuing Education Audit Report Form. In response, one of Respondent's staff members advised that Respondent had taken two courses online to make up for the missing hours. A copy

¹ Further reference to the South Carolina Code of Laws and South Carolina Code of Regulations shall be by code section only.

² To the extent any of the following Findings of Fact constitute Conclusions of Law, they are adopted as such, and to the extent any Conclusions of Law constitute Findings of Fact, they are so adopted.

of the email correspondence sent and received by Board staff is attached and incorporated herein as Exhibit 2.

5. Respondent admits that he took two courses that were required to meet the thirty-hour continuing education requirement after he certified that he took them on his renewal application. He has now met the continuing education requirement, but had not done so as of the date of his renewal application. Copies of the Respondent's certificates and report form are attached and incorporated herein as Exhibit 3.
6. Respondent waives any further findings of fact in this matter.

CONCLUSIONS OF LAW

1. Respondent admits that his conduct in this matter constitutes misconduct and is a violation of S.C. Code Ann. §40-22-110(A)(5), in that he violated this chapter or a regulation promulgated by the Board, to wit, S.C. Code of Regs. §§49-602 through 605.
2. Respondent acknowledges that he is subject to the entire body of law relating to the Board in all respects, and may be responsible for additional requirements related to licensure that are incumbent upon all licensees of the Board which are not reflected in this agreement.
3. Respondent waives any further conclusions of law with respect to this matter.

THEREFORE, IT IS ORDERED, WITH RESPONDENTS' CONSENT, THAT:

1. Respondent is hereby publicly reprimanded.
2. Respondent shall pay a civil penalty in the amount of ~~Two Thousand (\$2,000.00)~~ ^{ONE THOUSAND (\$1,000.00)} Dollars within ninety (90) days of the effective date of this Agreement. Said penalty shall not be deemed paid until received by the Board. Failure to pay the fine within the required time may result in the immediate administrative suspension of the Respondent's license until such time as the fine is paid in full. TUR
6/5/2015
3. Respondent has full knowledge that Respondent has the right to a hearing and to be represented by counsel in this matter, and freely, knowingly, and voluntarily waives such rights by entering into this Consent Agreement. Respondent understands and agrees that by entering into this Consent Agreement, Respondent voluntarily relinquishes any right to judicial review of Board action(s) that may be taken concerning any related matters.
4. It is understood and agreed that if Respondent fails to meet the conditions agreed to in this Consent Agreement, Respondent's license may be immediately administratively suspended pending full compliance. Non-compliance may result in further discipline. Any license law violation by Respondent constitutes a failure to meet the conditions of this Consent Agreement.

5. Respondent understands and agrees that this Consent Agreement will not become effective unless and until approved by the Board. Respondent understands and agrees that this Consent Agreement, if approved, will be disseminated as a public action of the Board in the manner provided by law. Respondent understands and agrees that if this Consent Agreement is not approved, it shall not constitute an admission against interest in this proceeding or prejudice the right of the Board to adjudicate this matter.
6. Respondent understands and agrees that if this Consent Agreement is approved, it shall become a public document under the South Carolina Freedom of Information Act, section 30-4-10 *et seq.*
7. Respondent shall promptly advise this Board in writing of any changes in address, practice, privileges, professional status, or compliance with this agreement. Correspondence and copies of reports, notices, and payments of civil penalties mentioned herein shall be directed to:

SC LLR
Board of Registration for Professional Engineers and Surveyors
P.O. Box 12517
Columbia, SC 29211-2517

8. This Consent Agreement shall take effect immediately upon acceptance by the Board.

AND IT IS SO AGREED.

**BOARD OF REGISTRATION FOR
PROFESSIONAL ENGINEERS AND
SURVEYORS**

6/5/2015
Date


TIMOTHY W. RICKBORN
Chairman of the Board

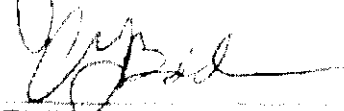
[parties' signatures appear on following page]

WE CONSENT:



JOHN DAVID BASS
Respondent

5/14/2015
Date



ERIN G. BALDWIN
Assistant Disciplinary Counsel
Office of Disciplinary Counsel
Office of General Counsel
SC Department of Labor, Licensing and Regulation
110 Centerview Dr.
P.O. Box 11329
Columbia, SC 29211-1329
803-896-4581

5/19/15
Date

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CERTIFICATE OF SERVICE

I hereby certify that I have this day caused to be served the within fully executed **Consent Agreement** upon the person hereafter named, by placing the same in an envelope, securely wrapped, in the United States first class mail, certified mail, return receipt requested, properly addressed to the said person hereafter named, at the place and address stated below, which is the last known address for the same:

Mr. John David Bass

**SOUTH CAROLINA DEPARTMENT OF
LABOR, LICENSING & REGULATION**



Kimberly Walker, Administrative Assistant
LLR-Office of Disciplinary Counsel
Post Office Box 11329
Columbia SC 29211-1329
(803) 896-4474

June 1, 2015.